

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 MATTHEW KINA,

No. C 08-4358 PJH

5 Plaintiff,

ORDER TO SHOW CAUSE

6 v.

7 UNITED AIR LINES, INC. and the
8 BETTY FORD CENTER,

9 Defendant.

10 Plaintiff in the above-entitled matter having failed to appear at the case management
11 conference on January 8, 2009, and both defendants having filed a case management conference
12 statement and having appeared at that proceeding in compliance with the Court's orders,

13 THE COURT hereby issues an ORDER TO SHOW CAUSE why plaintiff's claims should
14 not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil
15 Procedure.

16 The hearing on the ORDER TO SHOW CAUSE will be held on January 22, 2009 at 2:30
17 p.m. If plaintiff fails to appear, the case shall be dismissed for failure to prosecute.

18 In addition, if plaintiff intends to appear and show cause why this matter should not be
19 dismissed, in light of the allegations that plaintiff consented to the medical examinations at issue and
20 to the release of his medical records, plaintiff shall meet and confer with defendant Betty Ford
21 Center ("BFC") in advance of January 22, 2009, to determine whether the claims against BFC
22 should be dismissed, so that BFC can avoid the additional expense that will be incurred by its
23 counsel to fly to San Francisco from Orange County a second time.

24 IT IS SO ORDERED.

25 Dated: January 9, 2009


26 PHYLLIS J. HAMILTON
27 United States District Judge
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